

Order

Michigan Supreme Court
Lansing, Michigan

December 28, 2011

Robert P. Young, Jr.,
Chief Justice

143913 & (25)(26)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143913
COA: 301972
Wayne CC: 04-003088-FH

THOMAS JAMES WALLACE,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the August 30, 2011 order of the Court of Appeals is considered, and it is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D). The motion for appointment of counsel is DENIED.

CAVANAGH and MARILYN KELLY, JJ., would grant leave to appeal.

HATHAWAY, J., not participating. Justice Hathaway recuses herself and will not participate in this case as she was the presiding trial court judge. See MCR 2.003(B).



d1219

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 28, 2011

Corbin R. Davis

Clerk